

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

|                             |   |                               |
|-----------------------------|---|-------------------------------|
| OWNERS INSURANCE COMPANY,   | ) |                               |
|                             | ) |                               |
| Plaintiff,                  | ) |                               |
|                             | ) |                               |
| v.                          | ) | No. 1:09-cv-173               |
|                             | ) | Chief Judge Curtis L. Collier |
| WHITTMAN W. MILLER, et al., | ) |                               |
|                             | ) |                               |
| Defendants.                 | ) |                               |

**ORDER**

Before the Court is Plaintiff Owners Insurance Company's ("Plaintiff") motion to dismiss without prejudice (Court File No. 9), pursuant to Fed. R. Civ. P. 41(a)(1). Because none of the Defendants have appeared in this action, Plaintiff is entitled to dismissal without prejudice under Rule 41. Therefore, Plaintiff's motion (Court File No. 9) is **GRANTED** and the case is hereby **DISMISSED** without prejudice.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**